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6 Attorney for Plaintiffs

7 IN THE UNITED STATES DISTRICT COURT  
 FOR THE  
 8 NORTHERN MARIANA ISLANDS

9 LI YING HUA, LI ZHENG ZHE and XU JING JI, ) CASE NO. CV 05-0019  
 10 Plaintiffs, )  
 11 vs. ) MOTION TO AFFIRM  
 12 JUNG JIN CORPORATION, a CNMI corporation, ) SUMMARY JUDGMENT  
 ASIA ENTERPRISES, INC., a CNMI corporation, ) AGAINST ORIGINAL DEFENDANTS  
 13 PARK HWA SUN, KIM HANG KWON, )  
 KSK CORPORATION, a CNMI corporation, and )  
 14 KIM KI SUNG, )  
 Defendants. ) Date: July 17, 2008  
 15 ) Time: 8:30 a.m.  
 16 ) Judge: Hon. Alex R. Munson

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17 PLEASE TAKE NOTICE THAT Plaintiffs Li Ying Hua, Li Zheng Zhe and Xu Jing Ji, the  
 18 Plaintiffs, by and through their attorney, do hereby move to have this Court affirm the Courts' prior  
 19 Judgment against Defendants Jung Jin Corporation, Asia Enterprises, Inc., Kim Hang Kwon and Park  
 20 Hwa Sun.<sup>1</sup>

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22 <sup>1</sup> Summary judgment was granted against said defendants on August 14, 2006. Doc. # 87.  
 23 On August 24, 2006, the Court then entered a Judgment against said defendants. Doc. # 93.  
 24 Because KSK Corporation and Kim Ki Sung were added as defendants subsequent to the Judgment,  
 25 and Plaintiffs are seeking to impose liability for the judgment on these new defendants, KSK  
 Corporation and Kim Ki Sung should be provided a full and fair opportunity to defend the claims.  
 26 See, e.g., 6 WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE (SECOND) § 1489 (2006 update)  
 27 ("The amendment of a judgment to add a party defendant cannot be done without affording the

1        This Motion is brought pursuant to Rule 56 of the Federal Rules of Civil Procedure and is  
2 supported by the Memorandum filed on July 15, 2006 (Docket # 75) and these documents on file  
3 in this matter:

4            1. Plaintiffs' Proposed Findings of Uncontroverted Fact filed July 15, 2006, Doc. ## 76 and  
5 77 (Errata with exhibits);  
6            2. Declaration of Plaintiff Li Ying Hua filed April 21, 2006, Doc. # 35;  
7            3. Declaration of Plaintiff Xu Jing Ji filed April 21, 2006, Doc. # 36;  
8            4. Declaration of Plaintiff Li Zheng Zhe filed April 21, 2006, Doc. # 37;  
9            5. Declaration of Counsel for Plaintiffs filed April 21, 2006, Doc. # 34;  
10          6. Transcript of Deposition of Jung Jin Corporation, Doc. # 67;  
11          7. Transcript of Deposition of Asia Enterprises, Inc., Doc. # 68;  
12          8. Transcript of Deposition of Cindy Yu, Doc. # 69;  
13          9. Transcript of Deposition of Kim Ki Sung, Doc. # 70;  
14          10. Transcript of Deposition of Pil Sun Kim Kitami, Doc. # 71;  
15          11. Affidavit of Stephen J. Nutting in Support of Motion to Withdraw filed February 3, 2006,  
16 Doc. # 25;  
17          12. Answer to Plaintiff Li Ying Hua's First Interrogatories to Defendants, Doc. # 72;  
18          13. Answer to Plaintiff Xu Jing Ji's First Interrogatories to Defendants, Doc. # 73;  
19          14. Answer to Plaintiff Li Zheng Zhe's First Interrogatories to Defendants, Doc. # 74;  
20          15. Plaintiffs' Verified Complaint for Violations of the Fair Labor Standards Act and  
21 Supplemental State Law Claims filed June 23, 2005, Doc. # 1;

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23 individual a full opportunity to defend the claims presented," discussing *Nelson v. Adams*, 120 S.Ct.  
24 1579, 529 U.S. 460, 146 L.Ed.2d 530. (2000)). Accordingly, Plaintiffs are moving hereby to affirm,  
25 on the merits, the summary judgment granted by the Court on August 14, 2006. Plaintiffs have  
26 submitted a separate motion for summary judgment on the successor liability, alter ego and  
fraudulent transfer claims against KSK Corporation and Kim Ki Sung.

1 16. Plaintiffs' First Amended Verified Complaint for Violations of the Fair Labor Standards  
2 Act and Supplemental State Law Claims filed May 18, 2006, Doc. # 45;

3 17. Defendants' Verified Answer to Verified Complaint for Violations of the Fair Labor  
4 Standards Act and Supplemental State Law Claims filed on July 12, 2005, Doc. # 6;

5 18. Order After Settlement Conference (1) Admonishing Individual Defendants; (2) Entering  
6 Default Against Corporate Defendants; and (3) Granting Motion to File Amended Complaint  
7 entered May 12, 2006, Doc. # 43;

<sup>8</sup> 19. Defendants' Pre-Discovery Disclosure Statement filed October 19, 2005, Doc. # 14;

9 20. All other pleadings and records on file in this matter.

10 For the reasons stated in the Memorandum submitted in support hereof, and having given  
11 Defendants an opportunity to defend the underlying liability in this case, Plaintiffs respectfully  
12 request that the Court affirm its August 14, 2006 grant of Plaintiffs' Motion for Summary Judgment.

14 A hearing will be held on this motion on Thursday, July 17, 2008 at 8:30 a.m. or a soon  
15 thereafter as the Court can hear the Motion in the above-entitled court located at the First Floor,  
16 Horiguchi Building, Garapan, Saipan, Commonwealth of the Northern Mariana Islands.

Respectfully submitted this 19<sup>th</sup> day of June, 2008.

/s/ Mark B. Hanson

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Attorney for Plaintiffs

1 CERTIFICATE OF SERVICE

2 I hereby certify that a copy of the foregoing will be deposited in the United States Post Office,  
3 first class mail, postage prepaid, addressed to the following:

4  
5 Jung Jin Corporation Park Hwa Sun  
P.O. Box 503428 P.O. Box 503428  
Saipan, MP 96950 Saipan, MP 96950  
6 (670) 235-4321 (670) 235-4321

7 Asia Enterprises Inc. Kim Hang Kwon  
P.O. Box 503448 P.O. Box 503448  
8 Saipan, MP 96950 Saipan, MP 96950  
9 (670) 235-4321 (670) 235-4321

10 I further certify that the following were served with a copy of the foregoing via the Court's  
11 electronic case filing system and via e-mail:  
12

13  
14 G. Anthony Long, Esq.  
LAW OFFICE OF G. ANTHONY LONG  
P.O. Box 504970  
15 Saipan, Mariana Islands 96950  
E-mail: gal@nmilaw.com  
16

17  
18 DATED: June 19, 2008 /s/ Mark B. Hanson  
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MARK B. HANSON